HIGH COURT OF UTARANCHAL AT NAINITAL

Writ petition No. 14471 of 1990 [4809 (M/s) 2001

M/S Century Pulp and papers
Mills, Lalkuan, Nainital …..Petitioner

Vs.

Presiding Officer, Labour Court
U.P. Bareilly and others …..Respondent

Hon'ble Rajesh Tandon J.

4809

Heard Shri T.A. Khan learned counsel for the petitioner and C.S.C. for the respondent. By the present writ petition the petitioner has prayed the following reliefs :-

(i) a writ, order or direction in the nature of certiorari quashing the impugned award dated 27-9-1989 (Annexure No.VIII) passed by the Respondent No.1

(ii) a writ, order or direction in the nature of mandamus directing the respondent not to insist/compel the petitioner for implementation of the impugned award dated 27-9-1989(Annexure No.VII to the writ petition) passed by respondent No.1.

Brief facts giving rise to the present writ petition are that the petitioner has challenged the award of the labour court dated 27 September 1989. The labour court has given the relief of reinstatement with continuity of the service and back wages. Present writ petition has been filed against the said award.

The respondent No. 2 has resigned from the job. He has presented the application for withdrawal of the writ petition.

In the affidavit it has been stated by the respondent No.2 that during the pendency of the writ petition the respondent No.2 was reinstated on 20-12-1990. Later on his services came to an end on 16-9-1998. He has now resigned from the services on 16-9-1998. He has made the following statement:-

"That after the resignation of the respondent No.2 the dispute between the petitioner and the respondent no.2 came to an end that all the claims of the respondent No.2 including back wages have been settled out side the court and there is nothing balance against the petitioner (excluding P.F. & Gratuity) which is also appearing from the perusal of the affidavit filed by the respondent No.2 before the Presiding Officer Labour Court, Haldwani (Nainital). The copy of the affidavit filed by the respondent No.2 is annexed herewith and marked as Annexure No.1 to this application."

In view of the aforesaid, Writ Petition is dismissed as withdrawn.

The writ petition is dismissed. There will be no order as to costs.

(Rajesh Tandon J.)

16-10-2003

Mohit